



MISSOURI DEPARTMENT OF MENTAL HEALTH

KEITH SCHAFER, DEPARTMENT DIRECTOR



DEPARTMENT
OPERATING
REGULATION
NUMBER

DOR
6.090

CHAPTER Human Resources	SUBCHAPTER Employee Rights and Grievances	EFFECTIVE DATE July 1, 2008	NUMBER OF PAGES 4	PAGE NUMBER 1 of 4
SUBJECT Handling Employee Grievances		AUTHORITY Section 630.050, RSMo And 1 CSR 20-4.020	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE July 1, 2011	

PURPOSE: Prescribes process for handling employee grievances.

APPLICATION: Applies to the entire department.

(1) As used in this procedure, the following terms mean:

- (A) "Day," calendar day;
- (B) "Due process", the grievance procedures described in this DOR;
- (C) "Grievance," a completed DMH form 8003 setting out one of the following:
 - 1. alleged misapplication or violation of a department, division or facility policy or procedure as it pertains to that grievant;
 - 2. appeal of disciplinary actions as defined in DOR 6.050, except that the term "grievance" does not include administrative decisions of the head of facility or disciplinary actions for which the State Personnel Law or rules provide a specific appeal to the Personnel Advisory Board or review by the Director, Division of Personnel.
- (D) "Grievant," an employee who files a grievance;
- (E) "Employee," any person who receives a wage or salary from the department;
- (F) "Respondent," work manager, head of facility, division director or department director (or designee, if any) issuing a written decision to a grievance;
- (G) "Work manager," highest ranking employee in grievant's supervisory chain, no more than two (2) levels below the appointing authority.

(2) Employees are encouraged to informally discuss matters of concern regarding working terms and conditions with their supervisors or the facility human resources office.

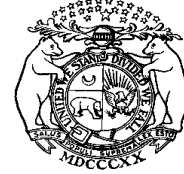
(3) Employees may appeal any suspensions of five (5) days or less within thirty (30) days of the first date suspended to their division director (or department director if not in a division) on DMH form 8003, Grievance Form. Appeals shall be processed as set out in section (8) (B)--Step 3.

(4) Employees, either individually or by group may file non-suspension grievances (preferably after making attempts to resolve the matter informally) by submitting DMH form 8003, Grievance Form, and giving it to their work managers within thirty (30) days of the occurrence giving rise to the grievance. The grievance shall contain all information requested on the form. Such grievances shall be processed according to section (8). The work manager shall send copies of the grievances to the facility human resources office and notify the immediate supervisor.



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(5) The work managers, heads of facilities or their designees and staff investigating shall confer with and listen to grievants, before completing their responses to the grievances.

(6) The grievant may have another employee present during any conferences with the work manager, head of the facility, or staff investigating the grievance. That employee's presence shall not interfere with the orderly processing or investigation of the grievance.

(7) Respondents at each level shall provide written decisions identifying issues, finding facts, and drawing conclusions. Respondents shall provide copies to the facility human resources office of the decisions given to the grievants. Respondents shall return the original grievance form and attachments to the grievant with their written decision.

(8) The following are the informal and formal stages in the grievance procedure:

(A) Informal stage: Before a formal grievance (a completed DMH form 8003) is filed, the employee shall attempt to resolve the issue informally with the supervisor or another member of management.

(B) Formal stage: If the grievance is not resolved in the informal stage, an employee may file a formal grievance. The employee may obtain assistance at each of the formal steps at the local level from facility human resources staff. The steps in the formal grievance procedure are:

1. Step One: The work manager shall, within fourteen (14) days of receipt of the grievance, discuss it with the grievant's supervisor, confer with the grievant and provide a written decision to the grievant.

2. Step Two: If the grievance is not adjusted to the grievant's satisfaction or if no decision is received by the grievant within fourteen (14) days, the grievant may request that the head of the facility respond. The head of the facility shall confer with the grievant and provide a decision to the grievant within fourteen (14) days of receiving the grievance.

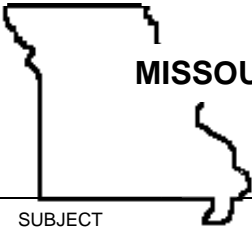
3. Step Three: If the grievance is not adjusted to the grievant's satisfaction or if no decision is received by the grievant within fourteen (14) days, the grievant may submit the grievance to the appropriate division director.

a. Within forty-five (45) days of receipt of the grievance, the division director shall render a decision.

b. The division director shall issue a decision to the grievant through the head of the facility.

c. The grievant shall acknowledge receipt of the decision .

(9) The grievant has seven (7) days to advance the grievance to the next step, after time for response has passed or the grievant receives a decision. The grievant shall submit specific reasons in writing why the decision at any step was unacceptable when advancing the original grievance to the next step. Any decision which is not filed at



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the next step within the time allowed shall be considered final with the last decision issued. The division director's decision is final.

(10) The employee forfeits the right to grieve a suspension of five days or less if the employee fails to participate in due process prior to the effective date of the suspension,

(11) The grievance shall not be altered or amended through the various steps. The subject(s) of a grievance shall not change through the process.

(12) Where intervening work managers do not exist (e.g., when an assistant superintendent is the grievant), any non-applicable steps in the grievance process may be disregarded. The division director or department director is substituted for the head of the facility if the grievance is filed by any head of a facility or a central office division or department employee.

(13) The time limitations may be extended at any step in the grievance procedure by written agreement of the grievant and any respondent. The time limitation shall be extended if either the grievant or the respondent is on approved leave and requests such extension.

(14) After the grievance is closed, the grievance responses and other documentation shall be filed separately from the grievant's personnel file for a least three (3) years.

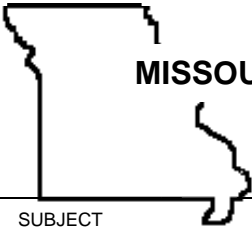
(15) Employees, including supervisory and administrative staff, shall not discriminate or retaliate against any grievant because a grievance was filed.

(16) The division may accelerate grievances that have potentially wider implications than for the immediate adjustment of the grievance.

(17) The facility head or division director may consolidate grievances which raise similar or identical issues. Consolidation may result in accelerated handling of a grievance or may result in movement to a higher step in the procedure without completion of earlier steps.

(18) Reasonable efforts shall be made to enable grievants and any assisting employee to present the grievances during working hours without loss of pay. However, such time shall not serve to extend the work day or cause overtime to be earned.

(19) Unless otherwise required by law, the grievance shall be administratively closed when either the employee ceases employment, the employee files suit over the same subject matter giving rise to the grievance, or files a formal complaint in any other forum.



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(20) Any respondent at steps 1 and 2 may have facility staff review the grievances and recommend decisions. At step 3--section (8) (B), the division director or designee will review the grievance, the investigations conducted at previous steps, and the decision issued for compliance with policy and procedures, adequacy of investigation, and soundness of the decision. If necessary, the division director or designee may institute another investigation to verify existing findings or to produce additional findings .

(21) Employees assisting any grievant in conferences shall obtain the permission of their immediate supervisor before leaving their work areas. The supervisors shall grant permission for the assistance unless operational reasons dictate otherwise. Upon return to duty, assisting employees shall so advise their supervisors.

(22) The Director of the Office of Human Resources will review and analyze any statutory, regulatory, or policy changes as they occur to determine their effect on the provisions of this Department Operating Regulation and will make changes as necessary.

History: Original DOR effective April 15, 1990. Amendment effective July 1, 1996. Amendment effective July 1, 2002. On July 1, 2003 the sunset date was extended to July 1, 2004. On July 1, 2004 the sunset date was extended to July 1, 2005. Amendment effective May 15, 2005. On July 1, 2008 the sunset date was extended to July 1, 2011. Amendment effective July 1, 2008.